

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**  
JUN 23 2014  
Clerk, U.S. District Court  
District Of Montana  
Billings

RUSSELL SCOTT AVERY,

Plaintiff,

vs.

DAWSON COUNTY  
CORRECTIONAL FACILITY;  
SALLY BENNETT; OFFICER  
HIENBUCK; and WARDEN TOM  
GREEN,

Defendants.

CV 14-12-BLG-SPW

ORDER

Plaintiff Russell Avery brings this action seeking, among other things, “as much money as legally possible” for alleged violations of his constitutional rights. (Doc. 2 at 7). United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations in this matter on June 2, 2014, in which she recommended that Avery’s Complaint be dismissed for failure to state a claim.

Pursuant to 28 U.S.C. § 636(b)(1), written objections to Judge Ostby’s Findings and Recommendations were due 14 days after their filing. No objections were filed. When neither party objects, this Court must still review Judge Ostby’s conclusions for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*,

235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 11) are ADOPTED IN FULL.

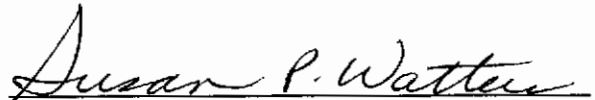
2. Avery's Complaint (Doc. 2) is DISMISSED.

3. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

4. The Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

5. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Fed.R.App.P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

DATED this 23 day of June, 2014.

  
SUSAN P. WATTERS  
United States District Judge